

Joshua B. Swigart, Esq. (SBN: 225557)  
 josh@westcoastlitigation.com  
 Robert L. Hyde, Esq. (SBN: 227183)  
 bob@westcoastlitigation.com  
**Hyde & Swigart**  
 411 Camino Del Rio South, Suite 301  
 San Diego, CA 92108-3551  
 (619) 233-7770  
 (619) 297-1022

Attorneys for Thomas Huggins

**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA**

<p>Thomas Huggins</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>KMF Ocean Vista, LLC d.b.a.              Ocean Vista Apartments, Todd A.              Brisco, and Todd A. Brisco &amp;              Associates</p> <p style="text-align: center;">Defendants.</p>	<p><b>Case No: '11CV2917 BEN POR</b></p> <p><b>Complaint For Damages</b></p> <p><b>Jury Trial Demanded</b></p>
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**INTRODUCTION**

1. Thomas Huggins, (Plaintiff), through Plaintiff's attorneys, brings this action to challenge the actions of KMF Ocean Vista d.b.a. Ocean Vista Apartments, LLC, Todd A. Brisco, and Todd A. Brisco & Associates, (Collectively referred to as "Defendants"), with regard to attempts by Defendants to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff damages.

HYDE & SWIGART  
 San Diego, California

2. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to a plaintiff, or to a plaintiff's counsel, which Plaintiff alleges on personal knowledge.

3. While many violations are described below with specificity, this Complaint alleges violations of the statutes cited in their entirety.

4. Unless otherwise stated, all the conduct engaged in by Defendants took place in California.

5. Any violations by Defendants were knowing, willful, and intentional, and Defendants did not maintain procedures reasonably adapted to avoid any such violation.

#### JURISDICTION AND VENUE

6. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331, 15 U.S.C. § 1692(k), and 28 U.S.C. § 1367 for supplemental state claims.

7. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA") and Defendant KMF Ocean Vista, LLC's violations of the Rosenthal Fair Debt Collection Practices Act, California Civil Code §§ 1788-1788.32 ("Rosenthal Act").

8. Because all Defendants do business within the State of California, personal jurisdiction is established.

9. Venue is proper pursuant to 28 U.S.C. § 1391.

10. At all times relevant, all Defendants conducted business within the State of California.

#### PARTIES

11. Plaintiff is a natural person who resides in the City of San Diego, State of California.

12. From November 2006 to June 13, 2011, Plaintiff was a member of the United States Marines and an active duty servicemember as defined in section 101(d)

(1) of Title 10, United States Code, and section 400(a)(1) California Military and Veterans Code.

13. Defendant Todd A. Brisco is an attorney located in the City of Anaheim, in the State of California.

14. Defendant Todd A. Brisco & Associates is a law firm and debt collection agency located in the City of Anaheim, in the State of California.

15. Defendant KMF Ocean Vista, LLC is an apartment company that owns and operates Ocean Vista apartments located in the City of Oceanside, in the State of California.

16. Plaintiff is obligated or allegedly obligated to pay an apartment rental debt, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

17. Defendants Todd A. Brisco and Todd A. Brisco & Associates are persons who use an instrumentality of interstate commerce or the mails in a business the principal purpose of which is the collection of debts, or who regularly collect or attempt to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and are therefore debt collectors as that phrase is defined by 15 U.S.C. § 1692a(6).

18. Plaintiff is a natural person from whom a debt collector sought to collect a consumer debt which was due and owing or alleged to be due and owing from Plaintiff, and is a “debtor” as that term is defined by California Civil Code § 1788.2(h).

19. Defendants KMF Ocean Vista, LLC, in its ordinary course of business, regularly, on behalf of themselves, or others, engages in debt collection as that term is defined by California Civil Code § 1788.2(b), are therefore debt collectors as that term is defined by California Civil Code § 1788.2(c).

20. This case involves money, property or their equivalent, due or owing or alleged to be due or owing from a natural person by reason of a consumer

1 credit transaction. As such, this action arises out of a consumer debt and  
2 “consumer credit” as those terms are defined by Cal. Civ. Code § 1788.2(f).

3 **FACTUAL ALLEGATIONS**

4 21. Plaintiff was on active duty orders in the United States Marines from  
5 November 2006 to June 13, 2011.

6 22. On or about December 2009, Plaintiff moved in to the Ocean Vista apartments  
7 owned and operated by Defendant KMF Ocean Vista, LLC.

8 23. On March 13, 2010, the lease ended and Plaintiff moved out of the Ocean  
9 Vista apartment.

10 24. On September 8, 2011, Plaintiff submitted an application to another  
11 apartment. During this application process, Plaintiff first learned that the  
12 Ocean Vista apartment, reported a past due collection amount on Plaintiff’s  
13 credit report. As a result of the adverse credit reporting, Plaintiff’s application  
14 for the apartment was denied.

15 25. These financial obligations were primarily for personal, family or household  
16 purposes and are therefore a “debt” as that term is defined by 15 U.S.C.  
17 §1692a(5).

18 26. These alleged obligations were money, property, or their equivalent, which is  
19 due or owing, or alleged to be due or owing, from a natural person to another  
20 person and are therefore a “debt” as that term is defined by California Civil  
21 Code §1788.2(d), and a “consumer debt” as that term is defined by California  
22 Civil Code §1788.2(f).

23 27. On or around October 17, 2011, Plaintiff received an email notice from  
24 Defense Financing, regarding a notice of garnishment.

25 28. Plaintiff informed his Major of the debt collect and wage garnishment after  
26 receiving the email. The garnishment notice indicated that Defendant Todd A.  
27 Brisco & Associates were representing Defendant KMF Ocean Vista, LLC.  
28 Plaintiff’s Major called Defendant Todd A. Brisco’s office. During this

1 conversation, a representative from Defendant's office informed him that  
2 Plaintiff was served on March 30, 2011 at the Ocean View apartment.

3 29. Upon review of the case file in the Superior Court of California, County of  
4 San Diego, a request for entry of judgment was entered April 14, 2010. <sup>1</sup> On  
5 the second page of the request from, Defendant indicated that Plaintiff was of  
6 "nonmilitary status" and not entitled to the benefits of the Servicemembers  
7 Civil Relief Act, when Defendants knew or should have known that was not  
8 true.<sup>2</sup>

9 30. Through this conduct, Defendants Todd A. Brisco and Todd A. Brisco &  
10 Associates used a false, deceptive, or misleading representation or means in  
11 connection with the collection of a debt. Consequently, Defendants Todd A.  
12 Brisco and Todd A. Brisco & Associates violated 15 U.S.C. §1692e and 15  
13 §1692 e(10).

14 31. Through this conduct, Defendants Todd A. Brisco and Todd A. Brisco &  
15 Associates violated the Servicemembers Civil Relief Act, 50 U.S.C. app.  
16 §521.

17 32. Defendant KMF Ocean View, LLC is vicariously liable for the acts of its  
18 attorneys and therefore used an unfair or unconscionable means to collect or  
19 attempt to collect a debt. Consequently, Defendant KMF Ocean Vista, LLC  
20 violated 15 U.S.C §1692f, as well as Cal.Civ.Code §1788.17.

21 33. On May 5, 2011<sup>3</sup>, Defendants Todd A. Brisco and Todd A. Brisco and  
22 Associates, as attorneys on behalf of Defendant KMF Ocean View, LLC,  
23 obtained a default judgment against Plaintiff by the indicating that Plaintiff  
24 was of "nonmilitary status" and not entitled to the benefits of the  
25

26 <sup>1</sup> 37-2010-00037875-CL-UD-NC, ROA #6.

27 <sup>2</sup> A copy of the request for entry of default is attached as Exhibit A.

28 <sup>3</sup> ROA #14

1 Servicemembers Civil Relief Act, when Defendants knew or should known  
2 that was not true.<sup>4</sup>

3 34. Through this conduct, Defendants Todd A. Brisco and Todd A. Brisco &  
4 Associates used a false, deceptive, or misleading representation or means in  
5 connection with the collection of a debt. Consequently, Defendant violated 15  
6 U.S.C. §1692e and 15 §1692 e(10).

7 35. Through this conduct, Defendants Todd A. Brisco and Todd A. Brisco &  
8 Associates violated the Servicemembers Civil Relief Act, 50 U.S.C. app.  
9 §521.

10 36. Through this conduct, Defendants Todd A. Brisco and Todd A. Brisco &  
11 Associates used an unfair or unconscionable means to collect or attempt to  
12 collect a debt. Consequently, Defendants violated 15 U.S.C §1692f.

13 37. Defendant KMF Ocean View, LLC is vicariously liable for the acts of its  
14 attorneys and therefore used a false, deceptive, or misleading representation  
15 or means in connection with the collection of a debt. Consequently, Defendant  
16 KMF Ocean Vista, LLC violated 15 U.S.C. §1692e and 15 §1692 e(10), as  
17 well as Cal.Civ.Code §1788.17.

18 38. Defendant KMF Ocean View, LLC is vicariously liable for the acts of its  
19 attorneys and therefore used an unfair or unconscionable means to collect or  
20 attempt to collect a debt. Consequently, Defendant KMF Ocean Vista, LLC  
21 violated 15 U.S.C §1692f, as well as Cal.Civ.Code §1788.17.

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<sup>4</sup> A copy of the request for entry of default is attached as Exhibit A.

**CAUSES OF ACTION**

**COUNT I**

**FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)**

**15 U.S.C. §§ 1692 ET SEQ.**

**AS TO ALL DEFENDANTS**

39. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

40. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.

41. As a result of each and every violation of the FDCPA, Plaintiff is entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from each and every defendant, jointly and severally.

**COUNT II**

**ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT (ROSENTHAL ACT)**

**CAL. CIV. CODE §§ 1788-1788.32**

**AS TO DEFENDANTS KMF OCEAN VISTA ONLY.**

42. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

43. The foregoing acts and omissions constitute numerous and multiple violations of the Rosenthal Act, including but not limited to each and every one of the above-cited provisions of the Rosenthal Act, Cal. Civ. Code §§ 1788-1788.32

44. As a result of each and every violation of the Rosenthal Act, Plaintiff is entitled to any actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful violation in the amount up to \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's

1 fees and costs pursuant to Cal. Civ. Code § 1788.30(c) from each and every  
2 defendant, jointly and severally.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff prays that judgment be entered against Defendant, and  
5 Plaintiff be awarded damages from Defendant, as follows:

- 6 • An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- 7 • An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §  
8 1692k(a)(2)(A);
- 9 • An award of costs of litigation and reasonable attorney's fees, pursuant  
10 to 15 U.S.C. § 1692k(a)(3);
- 11 • An award of actual damages pursuant to California Civil Code §  
12 1788.30(a);
- 13 • An award of statutory damages of \$1,000.00 pursuant to Cal. Civ. Code  
14 § 1788.30(b);
- 15 • An award of costs of litigation and reasonable attorney's fees, pursuant  
16 to Cal. Civ. Code § 1788.30(c).

17 45. Pursuant to the seventh amendment to the Constitution of the United States of  
18 America, Plaintiff is entitled to, and demands, a trial by jury.

19  
20 Respectfully submitted,

21 **Hyde & Swigart**

22  
23 Date: 12/14/2011

24 By:s/Joshua B. Swigart  
25 Joshua B. Swigart  
26 Attorneys for Plaintiff  
27  
28



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Thomas Huggins

(b) County of Residence of First Listed Plaintiff San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Hyde &amp; Swigart

411 Camino Del Rio South Suite 301, San Diego, CA 92108

**DEFENDANTS**

KMF Ocean Vista, LLC d.b.a. Ocean Vista Apartments, Todd A. Brisco, and Todd A. Brisco &amp; Associates

County of Residence of First Listed Defendant San Diego

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

'11CV2917 BEN POR**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |  | PTF                        | DEF                        |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. § 1692 et seq.Brief description of cause:  
Unfair Debt Collection Practices**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

75,001.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/14/2011

s/Joshua B. Swigart

**FOR OFFICE USE ONLY**

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.